

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC, X

Plaintiff,

vs.

CITY OF PEEKSKILL, ET AL.,

Defendants.

LINDA MCGARR, X

Plaintiff,

vs.

CITY OF PEEKSKILL, ET AL.,

Defendants.

CITY OF PEEKSKILL, X

Third Party Plaintiff,

vs.

WESTPORT INSURANCE COMPANY, ET AL.,

Third Party Defendants.

X

No.: CV-07-8150 (KMK)(GAY)

**HARCO NATIONAL
INSURANCE COMPANY**

**NOTICE OF MOTION
PURSUANT TO
FED R. CIV. P. 12(c)**

No. 07-CV-9488 (KMK)(GAY)

PLEASE TAKE NOTICE THAT, upon the declaration of Janet P. Ford, Esq., dated June 10, 2013, the exhibits attached thereto, and the accompanying memorandum of law, Third Party Defendant HARCO NATIONAL INSURANCE COMPANY moves pursuant to Fed. R. Civ. P. 12(c) for a Judgment, seeking the following relief: (1) declaring that movant is not obligated to defend and indemnify Third-Party Plaintiff CITY OF PEEKSKILL in the above-captioned

primary actions; (2) dismissing the third-party actions brought against movant, with prejudice, and in their entirety; (3) fees and costs; and (4) any further relief this Court deems just and proper.

This motion is brought in accordance with the schedule set by the within Court, docketed on April 30, 2013 (Minute Entry), directing that opening motion papers and briefs be submitted on June 10, 2013, and cross responses to be submitted on July 8, 2013.

Dated: New York, New York
June 10, 2013

WHITE FLEISCHNER & FINO, LLP

By: /s/ Janet P. Ford
Janet P. Ford

Counsel for Third-Party Defendant HARCO
NATIONAL INSURANCE COMPANY
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Our File No.: 344-15971

TO: (See Declaration and Certificate of Service by Janet P. Ford, Esq.)